



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: November 9, 2009
RESUBMITTED: December 7, 2009
RESUBMITTED: January 11, 2010

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Tracking Legally Shot Game Animals
Wildlife Conservation Order Amendment No. 2 of 2010

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background

This amendment proposes changes to the tracking by dogs of legally shot deer, elk, and bear that will enhance a hunter's ability to locate and dispatch wounded animals.

The Department has always recognized the retrieval of harvested animals as an important duty for all hunters. Retrieval of legally shot animals has been a traditional requirement since the inception of recreational hunting. Presently, the Wildlife Conservation Order requires that a person shall not kill or wound any game animal without making a reasonable attempt to retrieve the animal and include it in their daily limit. Hunters harvesting species protected under federal regulations are also legally required to make a reasonable attempt to retrieve the animal and include it in their daily bag limit.

Michigan deer hunters have been allowed to use dogs to help locate down and wounded deer for several years. However, under current regulation none of the persons in attendance with the dog has been allowed to carry a firearm, crossbow, or bow and arrow and the dog must be kept on a leash. If the tracking is done at night, artificial lights ordinarily carried in the hand may be used and barking dogs shall not be used on public lands.

This amendment sets the following conditions for the tracking of legally shot deer, elk, and bear:

1. A dog tracker must successfully pass a dog tracking test administered by a Department approved organization as agreed to by the Law Enforcement Division (LED). Documentation of passing this test must be kept on the person of the dog tracker when engaged in this activity.
2. A dog tracker must possess a valid concealed pistol license and may only use the firearm for defense of self or property.

3. A licensed hunter may kill a down and mortally wounded deer, bear, or elk using an otherwise legal means and may possess a loaded firearm, a cocked crossbow, or bow with nocked arrow only at the time and point of kill.
4. Contact must be made with the LED'S RAP hotline before tracking occurs, and again after killing the wounded animal.
5. A dog tracker must also receive annual written pre-approval from LED to participate in this activity.

Additionally, section 6.3 of the Wildlife Conservation Order currently requires anyone with a firearm, crossbow, or bow and arrow chasing or locating bear or bobcat with dogs to possess a current valid license for that game; this amendment stipulates an exception to that requirement for trackers and also provides consistency with 2009 PA 70.

Recommendation:

This order was submitted for information and consideration at the December 2009 and January 2010 Natural Resources Commission meetings. This item appeared on the Department's November and December 2009, and January 2010 calendars and may be eligible for approval on February 4, 2010.

Russ Mason, Ph.D., Chief
Wildlife Division

Ronald A. Olson, Chief
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Lynne M. Boyd, Chief
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Gary Hagler, Chief
Law Enforcement Division

Kelley D. Smith, Ph.D., Chief
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Arminda S. Koch
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I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

Rebecca A. Humphries
Director

WILDLIFE CONSERVATION ORDER

Amendment No. 2 of 2010

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107, and 40113a of 1994 PA 451, MCL 324.40107, 324.40113a, it is ordered that effective February 5, 2010, the following section(s) of the Wildlife Conservation Order shall read as follows:

2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.

Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, smoke, gas, explosive, weasel, ferret, fitchew, crossbow, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, slingshot, or bow and arrow. When used in this order, "raised platform" means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the person's possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber rimfire, capable of holding more than six shells at one time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(3) During the five days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvester's license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, possess afield in an area inhabited by wild birds and animals within the "shotgun, handgun, black-powder firearms only area" from November 15 to November 30, or use to take a deer during any firearm deer season in the "shotgun, handgun, black-powder firearms only area," a firearm other than:

(a) A shotgun with a smooth or rifled barrel.

(b) A .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges.

(c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.

(6) Possess or use an apparatus known as a silencer on a gun while hunting in this state.

(7) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.

(8) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.

(9) Take any animal at any time other than during the hunting hours and open seasons established in this order except as may otherwise be provided in chapter VI.

(10) Take in 1 day more than the daily limit, or possess at one time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.

(11) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.

(12) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently disabled person who holds a special permit provided for in part 401, wildlife conservation, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws, or this order.

(13) Use aircraft to aid in the taking of a wild bird or wild animal.

(14) Take game with a crossbow, except deer during the November 15 to November 30 firearm deer season by hunters age 12 or older, unless they have been issued a crossbow permit pursuant to section 5.95.

2.1a Tracking by dogs; requirements.

(1) A dog may be used to locate a wounded deer or elk if the dog is kept on a leash and, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, none of the persons in attendance possess a firearm, crossbow or bow and arrow, except as noted in 2.1a (2) and (3). If the tracking is done at night, artificial lights ordinarily carried in the hand, or on the person, may be used. A dog that barks while tracking shall not be used on public lands. The use of dogs to recover legally taken game does not authorize trespass.

(2) A licensed deer or elk hunter accompanying a dog tracker shall not have a live round in the chamber, a cocked crossbow, or bow with nocked arrow, except at the time and point of kill.

(3) A licensed bear hunter accompanying a dog tracker outside of legal hunting hours shall not have a loaded firearm, a cocked crossbow, or bow with nocked arrow except at the time and point of kill.

(4) Only a licensed hunter may dispatch and tag the wounded deer, elk, or bear.

(5) A dog tracker, when accompanying a licensed hunter, must comply with all the following:

(a) Tracker must successfully complete a basic tracking test as administered by a department approved organization and shall furnish such proof upon the request of a peace officer.

(b) Tracker has in his or her possession a license to carry a concealed pistol or is authorized to carry without obtaining a license to carry a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435.

(c) Tracker must receive annual written authorization from the department's law enforcement division prior to participation in activities involving the tracking of wounded animals.

(d) Tracker's name, address, telephone number, and accompanying hunter's license information must be provided to the department's report all poaching telephone number prior to initiating each tracking activity.

(e) Tracker must contact the department's report all poaching telephone number within 12 hours of a mortally wounded animal being dispatched or ending each tracking activity.

2.4 Permissible use of artificial lights.

Sec. 2.4 (1) Artificial lights, similar to the type ordinarily held in the hand or on the person, may be used from September 15 to March 31 by a person traveling afoot with a bow and arrow, crossbow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell, however, subject to section 43510,

subsections (2) and (3), of part 435, as amended, hunting and fishing licensing, MCL 435.43510, the person shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow, except as provided in section 2.1a of this order or when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(2) Persons not possessing a bow, crossbow, or firearm while traveling afoot may use lights as defined in subsection (1) during dog training or field dog trials to follow dogs chasing raccoon opossum, or fox.

6.3 Hunting with dogs, license requirement.

Sec 6.3 The following persons chasing or locating game with dogs during the open season for that game, except as provided in section 2.1a, shall have a current valid hunting license for the game being chased or located:

(a) Any person possessing a firearm, crossbow, or bow and arrow.

(b) The owner, when present, of any dog chasing or locating bear or bobcat.

Issued this 4th day of February, 2010.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries
Director